

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:21-cr-32

vs.

DAMON MYERS,

District Judge Michael J. Newman

Defendant.

ORDER: (1) DENYING DEFENDANT DAMON MYERS'S *PRO SE* MOTION TO APPOINT NEW COUNSEL (Doc. No. 36); AND (2) DIRECTING DEFENSE COUNSEL JAMES P. FLEISHER TO MEET AND CONFER WITH DEFENDANT TO DETERMINE WHETHER TO FILE ANY MOTION OR OTHERWISE ACT ON DEFENDANT'S BEHALF

This criminal case is before the Court regarding Defendant Damon Myers's *pro se* letter expressing his dissatisfaction with his defense counsel, James P. Fleisher. The Court liberally construes this letter in Defendant's favor as a *pro se* motion to appoint new counsel. Doc. No. 36. "The right to counsel of *choice*, unlike the *right* to counsel, . . . is not absolute. An indigent defendant has no right to have a particular attorney represent him and therefore must demonstrate 'good cause' to warrant substitution of counsel." *United States v. Iles*, 906 F.2d 1122, 1130-31 (6th Cir. 1990). Defendant's letter does not demonstrate good cause to appoint new counsel to represent him. *See id.*; *see United States v. Chapman*, 796 F. App'x 873, 874 (6th Cir. 2019). Additionally, Defendant's counsel is experienced, well-qualified, and skilled. Therefore, the Court **DENIES** Defendant's *pro se* motion to appoint new counsel. Doc. No. 36.

The Court acknowledges that Defendant's motion listed multiple steps that his counsel has allegedly not taken in preparing his defense. Therefore, the Court **DIRECTS** counsel to meet and

confer with Defendant by **February 23, 2023** to determine if he should file any motion or otherwise act on Defendant's behalf.

IT IS SO ORDERED.

February 2, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge